

inaccurate and that Ms. Hecht might have misunderstood her assigned task in reviewing the file.

11. After reading the original or a copy of Attachment B, Mr. Ramirez made no further use of it.

**ANSWER:** SFUSD objects to this Request to the extent that the phrase "made no further use of it" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez considered the document inaccurate and questioned whether Ms. Hecht understood her assignment. SFUSD further admits that, as a result, Mr. Ramirez did not rely on this document when completing the license renewal application for KALW.

12. Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

**ANSWER:** SFUSD admits that Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that Mr. Sanchez drafted the letter to Ms. Blair in 2001. Because Attachment C appears inadvertently to include page two of the 1997 Supplemental Ownership Report in place of page two of the 1993 report, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1993 Supplemental Ownership Report. SFUSD has reason to believe that two unassociated pages

located in its public inspection file (copies of which are attached hereto at Attachment I) constitute the correct pages two and three of the 1993 Supplemental Ownership Report. The two pages at Attachment I accurately and completely reflect the composition of the SFUSD Board in 1993. SFUSD notes that page three of Attachment C replicates the listing of Board Members set forth in pages two and three at Attachment I. This redundant list may represent an internal list used in the preparation of the SFUSD 1993 Supplemental Ownership Report. SFUSD assumes that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1993 Supplemental Ownership Report are reproduced at Attachment II hereto.

13. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment C.

ANSWER: As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1993 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and

were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1993 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

14. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of Attachment C.

**ANSWER:** As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1993 Supplemental Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1993 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

15. Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5,

2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

ANSWER: SFUSD admits that Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that Mr. Sanchez drafted the letter to Ms. Blair in 2001. However, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page two of the report at Attachment D refers to Mr. Tom Ammiano as being a Board Member. However, while Mr. Ammiano was a Board Member in 1993, he was not a Board Member in 1995. SFUSD further notes that the SFUSD Board Members in 1993 and 1995 were the same, with the exception of Mr. Ammiano (who served in 1993) and Mr. Keith Jackson (who served in 1995). SFUSD has reason to believe that two unassociated pages located in its public inspection file (copies of which are attached hereto at Attachment III) constitute the correct pages two and three of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page four of the report at Attachment D, to the extent it replicates the listing of Board Members set forth in pages two and three at Attachment III, would have been redundant and may represent an internal list used in the preparation of the SFUSD 1995 Supplemental Ownership Report. SFUSD assumes that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1995 Supplemental

Ownership Report are set forth at Attachment IV hereto.

16. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment D.

**ANSWER:** As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto. SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1995 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1995 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

17. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of Attachment D.

**ANSWER:** As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto.

SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1995 Supplemental Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1995 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

18. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez transmitted KALW's renewal application to a representative of SFUSD for signature, the station's public inspection file did not contain issues/programs lists for the entire license period, as required by 47 C.F.R. Section

73.3527. SFUSD further states that, at that time, to the best of its understanding, the public inspection file did contain the document attached as Exhibit O to Golden Gate Public Radio's "Petition to Deny," and that Mr. Ramirez stated that he believed that such document satisfied the issues/programs list requirement. SFUSD further states that it lacks information sufficient to affirm or deny whether any additional documents that might satisfy the issues/programs list requirement, in whole or in part, were in the station's public inspection at the time that Mr. Ramirez forwarded the renewal application to SFUSD's representative for signature, or whether any such documents had been created or timely placed in the public inspection file between January 1, 1991 and July 31, 1997.

19. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies the Request. While SFUSD admits that at the time that Mr. Ramirez transmitted KALW's renewal application to a representative of SFUSD for signature the station's public inspection file did not contain issues/programs lists for the entire license period, as required by 47 C.F.R. Section 73.3527, SFUSD states that, at that time, to the best of its

understanding, the public inspection file did contain the document attached as Exhibit O to Golden Gate Public Radio's "Petition to Deny," and that Mr. Ramirez stated that he believed that such document satisfied the issues/programs list requirement. SFUSD further states that it lacks information sufficient to affirm or deny whether any additional documents that might satisfy the issues/programs list requirement, in whole or in part, were in the station's public inspection file at the time that Mr. Ramirez forwarded the renewal application to SFUSD's representative for filing, or whether any such documents had been created or timely placed in the public inspection file between January 1, 1991 and July 31, 1997. SFUSD further states that it lacks information sufficient to affirm or deny whether Mr. Ramirez was aware of the presence or absence of any such documents at that time.

20. Mr. Rojas, or someone who had authority to do so, signed his name to the original of Attachment A on page 5 on or about July 30, 1997.

**ANSWER:** SFUSD admits that Mr. Rojas, or someone who had authority to do so, signed his name to page 5 of the original of Attachment A to the Requests or about July 30, 1997.

21. In so signing Mr. Rojas's name to the original of Attachment A, SFUSD intended to certify that the statements in the application were true, complete and correct to the best of its knowledge and belief, and were made in good faith.

**ANSWER:** SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that when Mr. Rojas's name was signed to the original of Attachment A, SFUSD intended to certify that the statements in the application were true,



complete and correct to the best of its knowledge and belief, and were made in good faith..

22. On or about July 30, 1997, Mr. Rojas had no personal knowledge as to whether SFUSD had placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Rojas had no personal knowledge concerning the contents of KALW's public inspection file on or about July 30, 1997. SFUSD further admits that Mr. Rojas had no personal knowledge on or about July 30, 1997 concerning when documents required to be placed in KALW's public inspection file had been placed there.

23. On or about July 30, 1997, Mr. Ramirez knew that SFUSD had not placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and ambiguous. SFUSD further objects that the word "knew" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies this Request. SFUSD further responds that on or about July 30, 1997,

Mr. Ramirez stated that he believed that the public inspection file contained the documentation required by 47 C.F.R. Section 73.3527, as he understood that regulation.

24. On or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's office at KALW.

ANSWER: SFUSD admits that on or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's work area (*i.e.*, cubicle) at KALW.

25. Prior to July 30, 1997, Mr. Helgeson provided assistance to update and maintain the KALW public inspection file.

ANSWER: SFUSD objects that the phrases "provided assistance" and "update and maintain" as used in this Request are vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that prior to July 30, 1997, Mr. Helgeson sometimes assisted the General Manager in the maintenance of KALW's public inspection file.

Respectfully submitted,

**SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT**

By: \_\_\_\_\_  
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October 12, 2004

**ATTACHMENT I**

**ATTACHMENT II**

**ATTACHMENT III**

**ATTACHMENT IV**

### **Certificate of Service**

I, Regina Hogan, hereby certify that on this 12<sup>th</sup> day of October, 2004, a copy of the foregoing **San Francisco Unified School District's Revised Objections and Responses to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents** was sent by first-class mail, postage prepaid, to:

Chief Administrative Law Judge Richard L. Sippel \* \*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 1-C768  
Washington, DC 20554

David H. Solomon \*  
Chief, Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 7-C485  
Washington, DC 20554

William H. Davenport \*  
Chief, Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

William D. Freedman \*  
Deputy Chief, Investigations and Hearings  
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Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
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James A. Shook \*  
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Investigations and Hearings Division  
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445 12<sup>th</sup> Street, SW, Room 4-C330  
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Dana E. Leavitt \*  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

---

Regina Hogan

\* By Hand Delivery

\*\* By Telecopy



**ATTACHMENT G**

**SFUSD'S OBJECTIONS AND RESPONSES TO THE ENFORCEMENT  
BUREAU'S FIRST, SECOND AND THIRD REQUESTS FOR PRODUCTION  
OF DOCUMENTS (FEB. 5, 2004) (ATTACHMENTS EXCLUDED)**

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In The Matter of	)	MB Docket No. 04-191
	)	
<b>San Francisco Unified School District</b>	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S OBJECTIONS AND RESPONSES  
TO ENFORCEMENT BUREAU'S FIRST, SECOND AND THIRD REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

The San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.325 of the Commission's Rules, 47 C.F.R. §§ 1.325, files these objections and responses to the Enforcement Bureau's ("Bureau") First Request for Production of Documents from SFUSD dated September 14, 2004 (the "First Request"), Second Request for Production of Documents from SFUSD dated December 29, 2004 (the "Second Request") and Third Request for Production of Documents from SFUSD dated January 27, 2005 (the "Third Request," and collectively, with the First and Second Request, the "Document Requests").

SFUSD initially responded to the First Request on September 24, 2004 (the "First Request Response"), and initially responded to the Second Request on January 18, 2005 (the "Second Request Response"), at which times it objected to the Bureau's Document Requests to the extent that they called for information protected by the attorney-client privilege or work product doctrine. SFUSD notes for the record that it has withdrawn its objections to the First

Request and Second Request based on the attorney-client and/or attorney work product privilege for Document Requests relating to the time period up to April 6, 2001, and similarly, it is not raising such objections to the Third Request. Consequently, as part of this Response, SFUSD is producing the documents listed on the Privilege Log to the First Request Response, unredacted versions of Attachments A and B to the Second Request Response and the documents listed in Attachment C to the Second Request Response, along with otherwise privileged documents that are responsive to the Third Request. SFUSD is producing such documents based on its understanding that they will be placed under seal and/or a protective order, and will not be made part of the public record, unless both parties agree, or if ordered for good cause by the Administrative Law Judge.

SFUSD incorporates by reference the definitions set out by the Bureau in the Third Document Request.

### **GENERAL OBJECTIONS**

SFUSD objects to the Bureau's Document Requests as follows (collectively referred to as the "General Objections"):

1. As noted above, SFUSD is not objecting to the Bureau's Document Requests to the extent that they call for information protected by the attorney-client privilege or work product doctrine, with the understanding that such documents will be placed under seal and/or a protective order, and will not made part of the public record, unless both parties agree, or if ordered for good cause by the Administrative Law Judge.

2. SFUSD objects to the Bureau's Document Requests to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.
3. SFUSD objects to the Bureau's Document Requests to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.
4. SFUSD objects to the Bureau's Document Requests to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.
5. SFUSD objects to the Bureau's Document Requests to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. §§ 1.311 and 1.325.
6. SFUSD objects to the Bureau's instructions that: "If any Document produced in response to any request herein is not dated, the date on which the Document was prepared shall be provided. If any Document does not identify its author(s) or recipient(s), the name(s) of the author(s) or recipient(s) of the Document shall be provided." Such instructions seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. §§ 1.311 and 1.325.

**SPECIFIC OBJECTIONS AND ANSWERS**  
**TO THE BUREAU'S DOCUMENT REQUESTS**

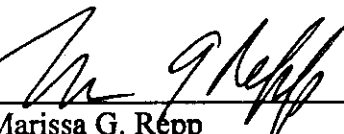
Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Document Requests as follows:


1. All documents of any kind from SFUSD to the Sanchez Law Firm relating to SFUSD's response to Section III, Question 2 of the Application.

**ANSWER:** Documents responsive to this Request, and to prior document requests from the Bureau, which are protected by the attorney-client privilege and/or the work product doctrine, are being produced herewith based on the understanding that such documents will be placed under seal and/or a protective order, and will not made part of the public record, unless both parties agree, or if ordered for good cause by the Administrative Law Judge.

Respectfully submitted,

**SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT**

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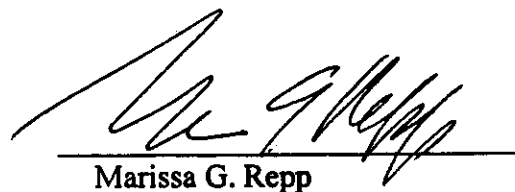
February 2, 2005

**Certificate of Service**

I, Marissa G. Repp, hereby certify that on this 2<sup>nd</sup> day of January, 2005, a copy of the foregoing **San Francisco Unified School District's Objections and Responses to the Enforcement Bureau's First, Second and Third Requests for Production of Documents** was sent by hand-delivery to:

James A. Shook  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

Dana E. Leavitt  
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Marissa G. Repp